



Eric McDonough &lt;phd2b05@gmail.com&gt;

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**Re: From NPS.gov: Amicable resolution of First Amendment violations**

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**Canedo, Denese** <denese\_canedo@nps.gov>  
To: phd2b05@gmail.com

Thu, Jun 8, 2017 at 5:36 PM

Mr. McDonough,

Thank you for contacting Everglades National Park. I wanted to let you know that Pedro Ramos and I are both in receipt of your recent requests, looking into the issues you have raised, and that one of us will be back in touch with you soon.

Sincerely,

Denese Canedo

Public Affairs Officer  
Everglades and Dry Tortugas National Parks  
786-481-7592 Mobile  
Email: [Denese\\_Canedo@nps.gov](mailto:Denese_Canedo@nps.gov)

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PARK**



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On Thu, Jun 8, 2017 at 2:02 AM, <[phd2b05@gmail.com](mailto:phd2b05@gmail.com)> wrote:

Email submitted from: [phd2b05@gmail.com](mailto:phd2b05@gmail.com) at /ever/learn/news/contactpublicaffairs.htm (UUID: 3EF4FEFB-1DD8-B71B-0779B6BFBF5C4D18)

Mailing Address:  
James McDonough  
32320 SW 199 AVE  
Homestead, FL 33030  
United States

To whom it may concern: After taking into consideration my deep love and admiration for the "idea" of a National Park System, I prefer to limit bad press and/or unnecessary litigation. Thus, deciding to offer a fair and amicable resolution, respecting the First Amendment issues at hand. This offer is made as I do not believe that any civil rights violations were committed with malice or mens rea, though not an element of civil (42USC1983/Bivens) or criminal (18USC242) deprivation of rights under color of law. In good faith, and out of respect for people who likely have no control over policy or what has occurred, I self-censored and removed my comments from ENP's Facebook page. However, swearing an oath to uphold and defend the Constitution, I cannot in good conscience allow First Amendment violations to continue unabated. At this point in time so long as ENP is willing to cooperate in good faith, my interests are purely corrective in nature, not punitive. To provide for complete resolution, fully mooted these very serious matters, while avoiding negative press and unnecessary (possibly class action) litigation, I am respectfully requesting: 1) That ENP immediately restore all hidden comments which are not obscene, vulgar or threatening or otherwise unprotected in a limited public forum; 2) That ENP begin working on changing the social media policy, or its interpretation thereof, to prevent such civil rights violations from occurring in the future, while still allowing proper and lawful moderation of the forum; and 3) Issue an official acknowledgment of such, on the page, after completing 2 above, as would be proper considering the errors made. This can be shown as a positive. An acceptable policy would allow for the hiding of comments which are obscene, threatening, vulgar, discriminatory, etc. However, it cannot censor comments which are simply critical, while it also allows praise, i.e. content/viewpoint based restrictions. The antidote to bad speech is always more speech, never less. I pray that all involved, including the Superintendent, agree with me regarding our sacred rights as Americans. As a journalist/activist covering government and social media relating to the First Amendment, I would happily work with ENP, at no cost, to develop/adopt a policy which allows for the efficient operation of

government forums, while not over-broadly or vaguely infringing upon First Amendment rights. This can be easy, painless, fun and patriotic! If ENP agrees to cooperate in good faith, I hereby withdraw my FOIA request. This also allows me to write a positive story and follow ups on ENP as being a rare government entity. One who was immediately responsive to possible violations of civil rights, when brought properly to their attention. Further, as a shining example of one who immediately took appropriate action to prevent such abuses of our sacred rights as Americans. I would appreciate an immediate reply acknowledging receipt of this message (i.e. today, as I am not sure you even got my FOIA request), even if a detailed response or acceptance cannot be immediately provided. I know this is required under Florida records law, not sure about FOIA. However, common courtesy as well as customer/shareholder relations would seem to dictate such irrespective of any legal mandates. As an independent journalist working with deadlines, I must advise you that FOIA request are timely. Again, no records need to be provided if ENP in good faith is willing to bring itself into compliance with the First Amendment. However, because of the time constraint on press releases, and serious nature of the issues herein, I expect that this issue will be properly and lawfully resolved, and the general terms agreed upon within ten (10) business days. Lastly, I would humbly request a short media interview for my article preferably with the Superintendent, or in the alternative the park PIO. I Thank you in advance for your prompt attention to these important matters. God bless the U.S.A. and the National Park Service, our best idea yet! Sincerely, James Eric McDonough, Ph.D. A.K.A. Doc Justice